

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSEPH EBIN and YERUCHUM JENKINS,  
individually and on behalf of all others similarly  
situated,

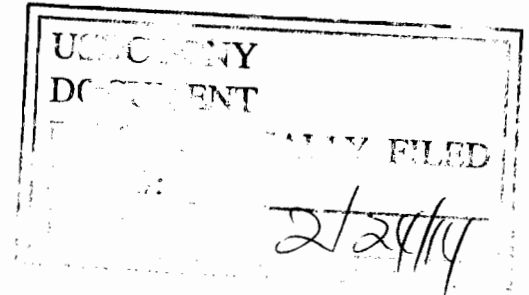
Plaintiffs,

v.

KANGADIS FOOD INC., d/b/a THE GOURMET  
FACTORY

Defendant.

Civil Action No. 13-CV-02311 (JSR)



PLAINTIFFS' PROPOSED NOTICE OF PENDENCY OF CLASS ACTION AND  
PROPOSED SCHEDULE FOR DISSEMINATION OF NOTICE

Dated: February 20, 2014

BURSOR & FISHER, P.A.

Scott A. Bursor (SB1141)  
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2/21/14

Class Counsel

Plaintiffs' proposal, with the Court's edits on  
page 5, is approved, and should be implemented  
forthwith. Based on Angeion Group's additional letter  
~~submitted~~ submitted 2/20/14, which will be docketed,  
Angeion Group can serve as notice administrator, with  
all its fees being borne, of course, by plaintiffs' counsel  
at this time.

SO ORDERED

JSR

Plaintiffs Joseph Ebin and Yeruchum Jenkins (hereafter, the “Class Representatives”) respectfully submit this proposed notice plan and schedule relating to same, as directed by this Court’s December 11, 2013 Order granting plaintiffs’ motion for class certification.

**I. PLAINTIFFS’ PROPOSED SCHEDULE FOR THE DISSEMINATION OF NOTICE TO THE CLASS**

The Court has granted plaintiffs’ motion to certify the Class and Subclasses under Fed. R. Civ. P. 23(b)(3). “For any class certified under Rule 23(b)(3), the court must direct the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort.” Fed. R. Civ. P. 23(c)(2)(B).

**A. Individual Notice By Regular Mail And Email**

As the Court is certainly aware, the identification of class members in this action will be more challenging than in securities cases where shareholders’ identities and contact information can be obtained from the records of brokers or transfer agents. Nevertheless, because individual notice is mandatory under Rule 23 for all class members who can be identified through reasonable effort, the Class Representatives believe the notice plan should begin with substantial efforts to identify class members so they can be provided with individual notice, which is far superior to notice by publication. The Class Representatives thus propose that the Court enter an order requiring individual notice to be provided in the following manner:

1. On or before February 28, 2014, Defendant shall provide Class Counsel with the names, addresses, and email addresses of all class members who are identifiable from Defendant’s records.
2. On or before February 28, 2014, the Class Representatives, through their counsel, shall subpoena the retailers and distributors identified in Defendant’s records produced to date, including the 41 retailers and distributors identified on the “Preliminary Injunction Recall Notice

Recipient List” bearing bates number KANGADIS-010931, and such other retailers as the Class Representatives reasonably believe will have class member-identifying information (hereafter, the “Retailers & Distributors”), to produce “Documents or electronically stored information sufficient to identify Class Members who are identifiable from your records as having purchased Capatriti 100% Pure Olive Oil packed before March 1, 2013.” These subpoenas shall be issued pursuant to Fed. R. Civ. P. 45 and shall command production on or before March 21, 2014.

3. On or before March 31, 2014, the Class Representatives, through their counsel, shall cause a copy of the Long Form notice (Exhibit 1) to be sent by regular mail to all class members for whom mailing addresses are identified.

4. On or before March 31, 2014, the Class Representatives, through their counsel, shall cause a copy of the Long Form notice to be sent by email to all class members for whom email addresses are identified.

#### **B. Publication Notice**

The Class Representatives recognize that it will not be possible to compile a complete list of class members for the provision of individual notice. The Class Representatives thus propose that the Court enter an order directing that the individual notice described above be augmented with additional notice by publication in the following manner:

1. On or before March 31, 2014, the Class Representatives, through their counsel, shall cause a copy of the Long Form notice to be posted on a dedicated website together with links to important case documents, such as the Court’s Order Certifying the Classes, the Complaint, and the Answer. Class Counsel have registered [www.KangadisLawsuit.com](http://www.KangadisLawsuit.com) for this purpose, along with several additional domains that will mirror and/or link to that website, including [www.CapatritiLawsuit.com](http://www.CapatritiLawsuit.com), [www.CapatritiClassAction.com](http://www.CapatritiClassAction.com),

[www.GourmetFactoryLawsuit.com](http://www.GourmetFactoryLawsuit.com), [www.GourmetFactoryClassAction.com](http://www.GourmetFactoryClassAction.com),  
[www.KangadisClassAction.com](http://www.KangadisClassAction.com), [www.KangadisLitigation.com](http://www.KangadisLitigation.com), and  
[www.OliveOilClassAction.com](http://www.OliveOilClassAction.com). (Class members would be directed to the website by hyperlinks  
embedded in the email version of the Long Form notice and by references in both the Long Form  
and Short Form. *See* Exhibits 1 & 2.)

2. On or before March 31, 2014, the Class Representatives, through their counsel, shall cause the Short Form (Exhibit 2) to be printed in the form of a poster of appropriate size and sent to the Retailers & Distributors, together with a cover letter directing them to post it at retail locations where Capatriti 100% Pure Olive Oil was sold. The cover letter shall also state that additional copies of the Short Form poster will be made available upon request, at no cost, to ensure that the Retailers & Distributors have sufficient copies to post at all locations where Capatriti 100% Pure Olive Oil was sold.

3. On or before March 31, 2014, the Class Representatives, through their counsel, shall cause the Short Form, Long Form, and the cover letter described in the foregoing paragraphs to be sent by email to all Retailers & Distributors for whom email addresses are available, including but not limited to those Retailers & Distributors whose email addresses are identified at KANGADIS-010910 through KANGADIS-010930.

4. On or before January 20, 2014, the Class Representatives, through their counsel, shall cause notice to be published in accordance with the Angeion Group Media Plan attached hereto as Exhibit 3.

## **II. THE CONTENT OF THE CLASS NOTICE**

The requirements for the content of class notices for (b)(3) classes are specified in Fed. R. Civ. P. 23(c)(2)(B)(i)-(vii). Both the Long Form and the Short Form notices meet all of these requirements, as detailed in the following table:

<b>Requirement</b>	<b>Long Form</b>	<b>Short Form</b>
“The nature of the action.” Fed. R. Civ. P. 23(c)(2)(B)(i).	First introductory bullet; Q&A nos. 2 and 6.	Col. 1, ¶¶ 1, 2, 5, & 6.
“The definition of the class certified.” Fed. R. Civ. P. 23(c)(2)(B)(ii).	Second introductory bullet; Q&A no. 4.	Col. 1, ¶ 3.
“The class claims, issues, or defenses.” Fed. R. Civ. P. 23(c)(2)(B)(iii).	First introductory bullet; Q&A nos. 2, 6 and 7.	Col. 1, ¶¶ 1, 5, & 6.
“That a class member may enter an appearance through an attorney if the member so desires.” Fed. R. Civ. P. 23(c)(2)(B)(iv).	Q&A no. 14.	Col. 2, ¶ 1.
“That the court will exclude from the class any member who requests exclusion.” Fed. R. Civ. P. 23(c)(2)(B)(v).	Table of “Your Legal Rights and Options;” Q&A nos. 11 & 12.	Col. 2, ¶ 3.
“The time and manner for requesting exclusion.” Fed. R. Civ. P. 23(c)(2)(B)(vi).	Fourth introductory bullet; Q&A no. 12.	Col. 2, ¶ 3.
“The binding effect of a class judgment on members under Rule 23(c)(3).” Fed. R. Civ. P. 23(c)(2)(B)(vii).	Table of “Your Legal Rights and Options;” Fourth introductory bullet; Q&A nos. 10 and 11.	Col. 1, ¶ 2; Col. 2, ¶¶ 2 & 3.

In addition to meeting the specific legal requirements of Fed. R. Civ. P. 23(c)(2)(B)(i)-(vii), the Long Form and Short Form notices are based on the Federal Judicial Center’s model forms for notice of pendency of a class action. FJC prepared these models at the request of the Subcommittee on Class Actions of the U.S. judicial branch’s Advisory Committee on the Federal Rules of Civil Procedure. *See* [www.fjc.gov](http://www.fjc.gov). The FJC models are designed to illustrate how attorneys and judges might comply with Fed. R. Civ. P. 23(c)(2)(B)’s requirement that class action notices “must concisely and clearly state in plain, easily understood language” specific information about the nature and terms of a class action and how it might affect potential class members’ rights. *See* [www.fjc.gov](http://www.fjc.gov). FJC explained its methodology for preparing these models as follows:

We began this project by studying empirical research and commentary on the plain language drafting of legal documents. We then tested several notices from recently closed class actions by presenting them to nonlawyers, asking them to point out any unclear terms, and testing their comprehension of various subjects. Through this process, we identified areas where reader comprehension was low. We found, for example, that nonlawyers were often confused at the outset by use of the terms “class” and “class action.” Combining information from the pilot test with principles gleaned from psycholinguistic research, we drafted preliminary illustrative class action notices and forms. We then asked a lawyer-linguist to evaluate them for readability and redrafted the notices in light of his suggestions.

*Id.* FJC then tested the redrafted model notices “before focus groups composed of ordinary citizens from diverse backgrounds” and also through surveys “[u]sing objective comprehension measures.” *Id.*

Based on FJC’s testing, the Class Representatives believe that the Long Form and Short Form, which are very closely based on FJC models, with the format and content adopted almost verbatim in most instances, are accurate, balanced, and comprehensible.

### III. OTHER SCHEDULING AND ADMINISTRATIVE MATTERS

The Class Representatives propose that the deadline for Class Members to request exclusion from the Class shall be ~~February 24, 2014~~ <sup>May 1, 2014</sup>. This will allow <sup>nearly</sup> five weeks between the ~~January 20, 2014~~ <sup>March 31, 2014</sup> dissemination of notice and the deadline for exclusions. This should also allow sufficient time for the opt-out deadline to pass well in advance of the trial, which the Court has stated it expects will start ~~in April 2014~~ <sup>in or after July, 2014</sup>.

The Class Representatives also propose that the Court authorize Class Counsel to retain The Angeion Group to perform administrative services and to assist Class Counsel in effectuating the notice plan.

## CONCLUSION

For the foregoing reasons, the Class Representatives respectfully request that the Court enter an order as soon as practicable directing notice to the Class in accordance with the notice plan described herein.

Dated: February 20, 2014

Respectfully submitted,

By: /s/ Joseph I. Marchese  
Joseph I. Marchese

**BURSOR & FISHER, P.A.**

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*Class Counsel*

## **EXHIBIT 1**



## **If You Purchased Capatriti 100% Pure Olive Oil, A Class Action Lawsuit May Affect Your Rights**

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

- Purchasers of Capatriti 100% Pure Olive Oil have sued its distributor, Kangadis Food Inc. (“Kangadis”), alleging fraud-based and warranty claims for mislabeling and selling pomace oil, an industrially processed oil, as Capatriti “100% Pure Olive Oil.”
- The Court has allowed the lawsuit to be a class action on behalf of all persons in the United States who purchased Capatriti 100% Pure Olive Oil packed before March 1, 2013.
- The Court has not decided whether Kangadis did anything wrong. There are no benefits available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>	
<b>WHAT IS THIS?</b>	The Court has certified this lawsuit as a class action. The lawsuit alleges fraud-based and warranty claims for Defendant’s mislabeling and selling of pomace oil, an industrially processed oil, as Capatriti “100% Pure Olive Oil.”
<b>DO NOTHING</b>	<b>Stay in the lawsuit. Await the outcome. Give up certain rights.</b> By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you will give up any rights to sue Kangadis separately about the same legal claims in this lawsuit.
<b>EXCLUDE YOURSELF</b>	<b>Get out of this lawsuit. Get no benefits from this lawsuit. Keep rights.</b> If you ask to be excluded and money or benefits are later awarded, you won’t share in those. But, you keep any rights to sue Kangadis separately about the same legal claims in this lawsuit.

- Your options – and the deadlines to exercise them – are explained in this notice. To ask to be excluded, you must act before May 1, 2014.
- Lawyers must prove the claims against Kangadis at a trial. If money or benefits are obtained from Kangadis, you will be notified about how to ask for a share.

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**Questions? Visit [www.KangadisLawsuit.com](http://www.KangadisLawsuit.com)  
or contact Class Counsel at [info@bursor.com](mailto:info@bursor.com)**

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## BASIC INFORMATION

### 1. Why did I get this notice?

This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against Kangadis, on your behalf, are correct. Judge Jed S. Rakoff of the United States Court for the Southern District of New York, is overseeing this class action. The lawsuit is known as *Ebin v. Kangadis Food Inc.*, Case No. 13-cv-2311.

### 2. What is this lawsuit about?

This lawsuit is about whether Kangadis misbranded its Capatriti 100% Pure Olive Oil product by selling pomace oil, an industrially processed oil, as “100% Pure Olive Oil.”

### 3. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” (in this case, Plaintiffs Joseph Ebin and Yeruchum Jenkins) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The named plaintiffs who sued – and all the Class Members like them – are called the Plaintiffs. The company they sued (in this case, Kangadis) is called the Defendant. One court resolves the issues for everyone in the Class – except for those people who choose to exclude themselves from the Class.

### 4. Am I part of this Class?

The Class includes “all persons in the United States who purchased Capatriti 100% Pure Olive Oil packed before March 1, 2013.” If you purchased Capatriti 100% Pure Olive Oil that was packed before March 1, 2013, you are a Class Member.

### 5. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts.

More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order Certifying the Class <link>, which is available at [www.KangadisLawsuit.com](http://www.KangadisLawsuit.com).

## THE CLAIMS IN THE LAWSUIT

### 6. What does the lawsuit complain about?

From 2006 through March 1, 2013, Kangadis distributed a pomace oil product that it labeled as Capatriti 100% Pure Olive Oil. Plaintiffs claim that Defendant misbranded the product as “100% Pure Olive Oil” when in fact, it did not contain 100% pure olive oil. You can read Plaintiffs’ Complaint <link> at [www.KangadisLawsuit.com](http://www.KangadisLawsuit.com).

### 7. How does Kangadis answer?

Kangadis denies any wrongdoing and denies the Plaintiffs’ allegations. You can read Kangadis’s answer to the complaint <link> at [www.KangadisLawsuit.com](http://www.KangadisLawsuit.com).

### 8. Has the Court decided who is right?

The Court hasn’t decided whether the Defendant or the Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims in the litigation, including at a trial, if necessary.

### 9. What are the Plaintiffs asking for?

The plaintiffs are generally asking Kangadis to provide a full refund of the purchase price Class members paid for Capatriti 100% Pure Olive Oil. Plaintiffs’ complaint also seeks to obtain all such other relief to which they may be entitled pursuant to New York and New Jersey law, including, without limitation, actual and punitive damages and treble damages.

No money or benefits are available now because the Court has not yet made a final decision whether Kangadis did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

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Questions? Visit [www.KangadisLawsuit.com](http://www.KangadisLawsuit.com)  
or contact Class Counsel at [info@bursor.com](mailto:info@bursor.com)

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## YOUR RIGHTS AND OPTIONS

You have to decide now whether to stay in the Class or ask to be excluded before the trial.

### 10. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing, you are staying in the Class. If you stay in and the Class is awarded money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement).

Keep in mind that if you do nothing now, regardless of whether the Class Representatives win or lose the trial, you will not be able to separately sue, or continue to sue, Kangadis – as part of any other lawsuit – for the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

### 11. Why would I ask to be excluded?

If you exclude yourself from the Class – which is sometimes called “opting-out” of the Class – you won't get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between Kangadis and Plaintiffs. However, you may then be able to separately sue or continue to sue Kangadis for the legal claims that are the subject of this lawsuit. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

If you bring your own lawsuit against Kangadis after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Kangadis, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

### 12. How do I exclude myself from the Class?

To exclude yourself from the Class, you must send a written request for exclusion *that is received no later than May 1, 2014*, to:

Capatriti 100% Pure Olive Oil Litigation  
c/o Angeion Group  
1801 Market Street, Suite 660  
Philadelphia, PA 19103

Your request for exclusion *must* contain: (1) the name of this lawsuit, “*Ebin v. Kangadis Food Inc.*, Case No. 13-cv-2311”; (2) your full name and current address; (3) a clear statement of intention to exclude yourself such as “I wish to be excluded from the Class”; and (4) your signature. You may also get an Exclusion Request form <link> at [www.KangadisLawsuit.com](http://www.KangadisLawsuit.com).

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Questions? Visit [www.KangadisLawsuit.com](http://www.KangadisLawsuit.com)  
or contact Class Counsel at [info@bursor.com](mailto:info@bursor.com)

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## THE LAWYERS REPRESENTING YOU

### 13. Do I have a lawyer in this case?

The Court appointed the law firm of Bursor & Fisher, P.A. to represent the Plaintiffs and all Class Members as “Class Counsel.” More information about this law firm, its practices, and its lawyers’ experience is available at [www.bursor.com](http://www.bursor.com).

### 14. Should I get my own lawyer?

If you choose to remain in the Class, you do not need to hire your own lawyer because Class Counsel are working on your behalf. But, if you want your own lawyer, you will be responsible for paying that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

### 15. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You will not have to pay these fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Kangadis.

## THE TRIAL

### 16. How and when will the Court decide who is right?

As long as the case isn’t resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs’ claims in this litigation, including at a trial if necessary. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class. The trial date has not yet been determined.

### 17. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Class members, and Kangadis will present the defenses. You are welcome to come at your own expense. If you wish to participate in the trial, you should contact Class Counsel.

### 18. Will I get money after the trial?

If the Class obtains money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

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Questions? Visit [www.KangadisLawsuit.com](http://www.KangadisLawsuit.com)  
or contact Class Counsel at [info@bursor.com](mailto:info@bursor.com)

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## GETTING MORE INFORMATION

### 19. Are more details available?

Visit the website, at [www.KangadisLawsuit.com](http://www.KangadisLawsuit.com), where you will find the Court's Order Certifying the Class <link>, the Plaintiffs' Complaint <link>, Kangadis's Answer <link>, and an Exclusion Request Form <link>.

You may also contact Class Counsel by email at [info@bursor.com](mailto:info@bursor.com), or by writing to: Capatriti 100% Pure Olive Oil Litigation, c/o Angeion Group, 1801 Market Street, Suite 660, Philadelphia, PA 19103.

**PLEASE DO NOT CALL OR WRITE TO THE COURT FOR INFORMATION OR ADVICE.**

DATED: February \_\_, 2014

**BY ORDER OF THE UNITED STATES  
DISTRICT COURT FOR THE SOUTHERN  
DISTRICT OF NEW YORK**

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**Questions? Visit [www.KangadisLawsuit.com](http://www.KangadisLawsuit.com)  
or contact Class Counsel at [info@bursor.com](mailto:info@bursor.com)**

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## **EXHIBIT 2**

## **LEGAL NOTICE**

# **If You Purchased Capatriti 100% Pure Olive Oil, A Class Action Lawsuit May Affect Your Rights**

You may be affected by a class action lawsuit alleging fraud-based and warranty claims against Kangadis Food Inc. ("Kangadis") for mislabeling and selling pomace oil, an industrially processed oil, as Capatriti "100% Pure Olive Oil."

The lawsuit is called *Ebin v. Kangadis Food Inc.*, Case No. 13-cv-2311, and is in the United States District Court for the Southern District of New York. The Court decided this lawsuit should be a class action on behalf of a "Class," or group of people, that could include you. This notice summarizes your rights and options. More information is in a detailed notice available at the website below. If you're included, you have to decide whether to stay in the Class and be bound by the results, or ask to be excluded and keep your right to sue Kangadis. There is no money available now and no guarantee that there will be.

### **ARE YOU AFFECTED?**

The Class includes "all persons in the United States who purchased Capatriti 100% Pure Olive Oil packed before March 1, 2013." If you purchased Capatriti 100% Pure Olive Oil that was packed before March 1, 2013, you are a Class Member, and your rights may be affected.

### **WHO IS THE DEFENDANT?**

The defendant is Kangadis Food Inc., which does business as "The Gourmet Factory." It is referred to as "Kangadis."

### **WHAT IS THIS CASE ABOUT?**

From 2006 through March 1, 2013, Kangadis distributed a pomace oil product that it labeled as Capatriti 100% Pure Olive Oil. Plaintiffs claim that Defendant misbranded the product as "100% pure olive oil" when in fact, it did not contain 100% pure olive oil. The lawsuit seeks to recover a full refund of the purchase price Class members paid for Capatriti 100% Pure Olive Oil under false pretenses. Plaintiffs' complaint also seeks to obtain all such other relief to which they may be entitled pursuant to New York and New Jersey law, including, without limitation, actual and punitive damages and treble damages.

Kangadis denies these allegations. The Court has not decided whether the plaintiffs' claims have any merit. Over the course of the suit, and possibly

at a trial, the lawyers for the plaintiffs will have to prove their case.

### **WHO REPRESENTS YOU?**

The Court appointed the law firm of Bursor & Fisher, P.A. to represent you as "Class Counsel." You may hire your own lawyer to appear in Court for you if you wish; however, if you do, you will be responsible for paying that lawyer on your behalf. Joseph Ebin and Yeruchum Jenkins are the named plaintiffs and appointed as the "Class Representatives."

### **WHAT ARE YOUR OPTIONS ?**

You have a choice of whether to stay in the Class or not, and you must decide this now. If you stay in the Class, you will be legally bound by all orders and judgments of the Court, and you won't be able to sue, or continue to sue, Kangadis as part of any other lawsuit involving the same claims that are in this lawsuit. If money or benefits are obtained, you will be notified about how to get a share. To stay in the Class, you do not have to do anything now.

If you ask to be excluded from the Class, you cannot get any money or benefits from this lawsuit if any are awarded, but you will keep any rights to sue the Kangadis for these claims, now or in the future, and will not be bound by any orders or judgments of the Court. To ask to be excluded, send a letter to the address below that indicates you want to be excluded from this lawsuit. This letter must actually be received by the addressee on or before May 1, 2014. Include your name, address, and telephone number.

### **HOW CAN YOU GET MORE INFORMATION?**

If you have questions or want a detailed notice or other documents about this lawsuit and your rights, visit [www.KangadisLawsuit.com](http://www.KangadisLawsuit.com). You may also contact Class Counsel by email at [info@bursor.com](mailto:info@bursor.com), or by writing to: Capatriti 100% Pure Olive Oil Litigation, c/o Angeion Group, 1801 Market Street, Suite 660, Philadelphia, PA 19103.



## **EXHIBIT 3**

December 13, 2013

Scott A. Bursor, Esq.  
Bursor & Fisher, P.A.  
888 Seventh Avenue  
New York, NY 10019

Re: Kangadis Food Inc, -Class Action Lawsuit Media Plan

Dear Scott,

Angeion Group is pleased to present our proposal to act as notice administrator in the Kangadis Food Inc, litigation.

It is our understanding that counsel will subpoena the appropriate retail channels to gather any known postal addresses and/or email addresses of known class members ("The Class List") identifiable from the defendant's records. Once this information is provided to Angeion, we will review and clean the class member data for duplication and missing information before assigning each known class member a unique sequential ID that will be subsequently used as a validation point throughout the entire administration process. Likewise, Angeion will submit The Class List to the National Change of Address Database which will reduce returned undeliverable mail by preemptively validating addresses, where current change of address information is available. Thereafter Angeion will cause a true and correct copy of the long form notice to be mailed or emailed to each known class member and track any returned undelivered mail or bounce-backed emails.

Likewise, it is our understanding that Angeion Group will be provided a list of retailers and distributors that sold the product during the class period ("The Retail List"). Angeion will print and mail 11x17 posters, along with a cover letter containing detailed instructions, to all addresses contained on The Retail List, notifying each recipient that they are required to post said poster in a conspicuous manner. We will also mail a copy of the relevant Court order and instructions on how the recipients can acquire additional posters, if necessary.

As part of a larger internet-based notification program described below, Angeion will design and implement a case-specific website incorporating important relevant court documents, operative dates and a frequently asked questions page ("The Case Website"). Thereafter, Angeion will purchase internet banner notices that will receive 30 million *unique* impressions over a one month period on Real Media Group. The banner notices will target adults 25 years of age or older, a target audience commensurate with the class definition in this case, and will allow access to The Case Website through an embedded hyperlink contained within the banner notice. Real Media Group provides high-quality inventory and assurance standards, supported by skilled, experienced personnel and proprietary, award-winning Open AdStream technology. This campaign will have a dedicated Account Manager, who will

work aggressively towards optimizing the campaign towards reaching as many class members as possible. So for example, if the campaign manager notices class members on culinary website are clicking the banner ad more frequently than those on news websites, the targeting will be adjusted more heavily towards culinary websites. Setup of the campaign will mirror previously successful placements of similar campaigns.

Additionally, Angeion will purchase a Facebook pay-per-click ad campaign targeting US users, 21 years+ who have been identified by Facebook as liking "Greek cuisine." We chose this target because of Greek Cuisine's known prodigious reliance on olive oil. The campaign will run for thirty days and have a daily reach of 880,000.

If desired, an informational press release may be issued to approximately 6,000 press outlets throughout the U.S. The release will include The Case Website address so that Class members can easily access information about the litigation. There is no guarantee as to the number of press outfits that will report the story but a press release often provides a valuable role in class member notification.

At the conclusion of the claims filing period or at a different specified date, we will prepare a Declaration of Notice Procedures to memorialize our compliance with all class notification requirements.

Operated by an extremely practiced executive team with more than 60 years of experience implementing claims administration and notice solutions for class action settlements, Angeion Group combines operational effectiveness, real-world litigation experience and thoughtful consulting, to bring ease of administration to counsel without sacrificing quality. Collectively, Angeion executives have overseen 2,000 class action settlements, processed over 250 million claims and distributed over \$10 billion to class members. Headquartered in a state-of-the-art 14,000 square foot processing and hosting facility in center city Philadelphia, Angeion also provides Healthcare Lien Resolution services for mass tort related settlement programs and electronic discovery for law firms and corporate entities. We are well positioned and eager to begin working on this matter as soon as possible.

Sincerely,

Steven

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ENDORSEMENT ON NOTICE OF PENDENCY 13CIV2311 (JSR) DTD 2-24-14  
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2/21/14

Plaintiff's proposal, with the Court's edits on page 5, is approved, and should be implemented forthwith. Based on Angeion Group's additional letter submitted 2/20/14, which will be docketed, Angeion Group can serve as notice administrator, with all its fees being borne, of course, by plaintiff's counsel at this time.